

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JAIMERE PROSSER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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CV 116-097
(Formerly CR 109-073)

O R D E R

Petitioner Jaimere Prosser claims that his federal sentence of imprisonment should be modified pursuant to the new rule of constitutional law announced in Johnson v. United States, 135 S. Ct. 2551 (2015). To that end, Petitioner filed a pro se motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence in this captioned case. The United States Magistrate Judge issued a Report and Recommendation on July 5, 2016, recommending that the case be dismissed because Attorney Julie M. Wade had filed a prior § 2255 motion on Petitioner's behalf. See Prosser v. United States, CV 116-092 (S.D. Ga. June 24, 2016). With no objection, the Report and Recommendation was adopted as the opinion of this Court on August 2, 2016, and the case was dismissed. Upon the Court's direction, the Clerk of Court served a courtesy copy of the Report and Recommendation and the Judgment Order in this case upon Ms. Wade even though she did not represent Petitioner in

this case.

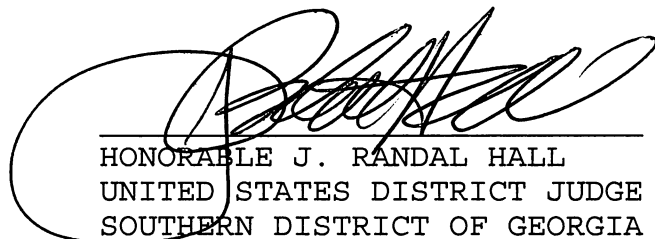
Meanwhile, on July 5, 2016, the Magistrate Judge issued a Report and Recommendation in Petitioner's other § 2255 case, the one in which he is represented by counsel, Ms. Wade. This Report and Recommendation, however, addresses the merits of Petitioner's Johnson claim and ultimately recommends dismissal of the claim. In the case, Petitioner was given until July 22, 2016 to file objections to the Report and Recommendation. No objections have been timely filed. No judgment has been entered in the case, CV 116-092.

On August 4, 2016, having received the Judgment in this case, Ms. Wade filed a motion for reconsideration in the underlying criminal case and does not identify a corresponding civil action number. The motion for reconsideration asks this Court to vacate its judgment in the § 2255 case because she inadvertently missed the deadline to file objections. Ms. Wade accepts sole responsibility for having missed the objection deadline but wishes to be able to file objections to preserve Petitioner's appellate rights.

Because the motion for reconsideration asks the Court to vacate its judgment, the motion was cross-filed in this civil case - the only civil case in which a judgment has been entered. Upon due consideration, the motion for reconsideration (doc. no. 7) is **DENIED**. Petitioner, however, is not without the remedy he ultimately seeks. This Court

will enter an Order in Petitioner's other § 2255 case giving him 14 days to file objections to the Report and Recommendation entered therein. Thus, Petitioner will be able to preserve his appellate rights on the merits of his Johnson claim through the other § 2255 proceeding, CV 116-092.

ORDER ENTERED at Augusta, Georgia, this 8th day of August, 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA